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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/232,749	01/15/1999	RICHARD W. CROUCH	99-P-7424-US	1492

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SIEMENS CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
186 WOOD AVENUE SOUTH  
ISELIN, NJ 08830

EXAMINER

TRAN, PHUC H

ART UNIT	PAPER NUMBER
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2666

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/232,749

Applicant(s)

CROUCH ET AL.

Examiner

PHUC H. TRAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 4/11/2005 have been fully considered but they are not persuasive.

- In response to Applicant's argument in page 6, the claims 1, 7 and 13 were objected to because the limitations were not described in the specification.

Examiner respectfully disagrees with Applicant's respond. The claims teach the telephone device having forward on busy capability and requesting to queues for storing calls. However, the specification teaches H.323 terminal has function activated to the queues not the telephony devices as teaching in the claim.

Therefore, the Objection and Rejection as bellow.

- In response to Applicant's argument in page 7 "Rather than an endpoint requesting a queue transfer, as general: recite in le claims at issue, the sewer appear to intercept calls and route them to a queue if necessary. Thus, the server itself affirmatively acts to perform the queuing, instead of queuing in response to forward on busy request from the endpoint". Examiner respectfully disagrees. Because of, the claim limitations are not teaching in the specification therefore they are not considering as claims limitation.

### ***Claim Objections***

2. Claims 1, 7 and 13 are objected to because of the following informalities: "said one or more telephony devices having forward on busy capability" lines 3-4; "responsive to a request

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from said one or more telephony devices and said forward on busy capability” lines 7-8 are not is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4, 7-9, 13, & 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Miloslavsky et al. (U.S. Patent No. 6175564 B1).

- With respect claims 1, 4, 7-9, 13, & 15-17, Miloslavsky teaches a method and a system for processing calls in a telecommunication system (e.g. the system rout IPNT calls to agent station of Miloslavsky, col. 2, lines, 17-32), which comprises:

a packet switch network (e.g. IPNT calls center) is H.323 (e.g. the IPNT system, see abstract for real time voice and video over network);

receiving a first call at a telephony device on a network (e.g. steps 202 in Fig. 2);

receiving a second call at the telephony device while the first call is being processed (see col. 7, lines 3-5); transferring the second call to a queue (e.g. steps 292 in Fig. 3), which are

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connected to the packet switch network (e.g. queues teach in the system) and determining a time which the calls are storing in the queue for allowing time (col. 10, lines 1-3);

and transferring the second call back to the telephony devices after a predetermined condition or allowing time is met (see col. 10, lines 3-5), wherein the one or more queues define callable network entities for the one or more telephony devices to forward the calls (col. 9, lines 59-61, it is inherently to understand the queues define callable network entities also as the queues of Miloslavsky's system for storing call until processing), wherein the one or more telephony devices define client endpoint adapted to forward the calls to the one or more queues (e.g. the router forward the calls to the queues, col. 9, line 60)

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miloslavsky et al. (U.S. Patent No. 6175564 B1).

- With respect to claim 10, Miloslavsky discloses all the aspect of the claimed invention as set forth above but fails to teach the telephony devices is a hunt group proxy and the hunt group proxy processes the first call by searching for available hunt group member. However, it is a designed choice of inventors to use the hunt group proxy or a router (steps 270 in Fig. 3) to

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search for an available agent or member. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to use the hunt group proxy as a method processes incoming calls for searching available hunt group member or the router for looking an available agent.

7. Claims 2-3, 5-6, 11-12, 14-15, & 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miloslavsky et al. (U.S. Patent No. 6175564 B1) in view of Naudus (U.S. Patent No. 6259691 B1).

- With respect to claims 2, 5, 11-12, 14-15 & 18, Miloslavsky discloses all the aspect of the claimed invention as set forth claim 1 but fails to teach the packet switch network being H.323 compliant. Naudus discloses the gatekeeper H.323 (Fig. 1). The gatekeeper H.323 of Naudus can be implemented by connecting the gatekeeper into switch 112 in Fig. 1. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention as made to implement the gatekeeper H.323 for exchanging compressed audio and/or video over networks in videoconferencing.

- With respect to claims 3 & 6, Miloslavsky teaches the one or more queues includes one or more timers for determining a predetermined delay during which time the calls are stored in the one more queues prior to forwarding back to the one more telephony devices (e.g. blocks 294, in Fig. 3)

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H TRAN whose telephone number is (703) 308-7471. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on (571) 272-3174. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

Phuc Tran  
Assistant Examiner  
Art Unit 2664

P.t  
June 21, 2005



DANG TON  
PRIMARY EXAMINER